

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re WELLS FARGO RESIDENTIAL  
MORTGAGE LENDING DISCRIMINATION  
LITIGATION

M: 08-CV-1930 MMC

**ORDER GRANTING PLAINTIFFS'  
ADMINISTRATIVE MOTION FOR LEAVE  
TO FILE SUR-REPLY; DENYING  
WITHOUT PREJUDICE  
ADMINISTRATIVE MOTION RE:  
SEALING ORDER**

\_\_\_\_\_  
This Document Relates To:

ALL ACTIONS  
\_\_\_\_\_ /

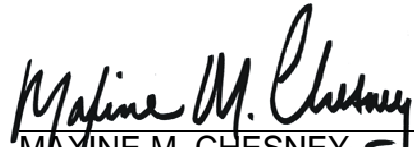
Before the Court is plaintiffs' "Administrative Motion Pursuant to N.D. Cal. L.R. 7-11 for Leave to File Sur-Reply in Response to Wells Fargo's Reply in Support of Objections to Magistrate's Order Denying Motion to Compel Further Discovery," filed April 29, 2009; defendant has filed a Statement of Non-Opposition. Also before the Court is plaintiffs' "Administrative Motion Re: Sealing Order," filed April 29, 2009, by which plaintiffs, in the event the Court affords plaintiffs leave to file a sur-reply, seek leave to file under seal the entirety of the Declaration of Gary Klein in support of the sur-reply; defendant has not filed a response thereto. Having read and considered the above-referenced filings, the Court rules as follows.

Plaintiffs' motion for leave to file a sur-reply is hereby GRANTED. Plaintiffs shall file their surreply no later than May 20, 2009.

Plaintiffs' motion for leave to file under seal the entirety of the Declaration of Gary Klein is, however, DENIED, as plaintiffs have failed to show, and, indeed, do not contend, the entirety of the declaration and the entirety of each exhibit attached thereto is confidential. Plaintiffs are not entitled to file an entire document under seal on the ground some portion thereof may be confidential. See Civil L.R. 79-5(a) (providing motion to file document under seal "must be narrowly tailored to seek sealing only of sealable material").<sup>1</sup> As it appears some portion of the declaration and/or attached exhibits could, arguably, be confidential, the Court will afford plaintiffs leave to file a renewed administrative motion for leave to file under seal an unredacted version of the Declaration of Gary Klein. Plaintiffs must, however, file in the public record, no later than May 20, 2009, a redacted version of said declaration.

**IT IS SO ORDERED.**

Dated: May 13, 2009

  
 MAXINE M. CHESNEY  
 United States District Judge

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<sup>1</sup>Contrary to plaintiffs' motion, the Protective Order filed May 23, 2008 does not provide that "any motion, pleading or other submission that contains or attaches Confidential Material must be filed under seal." (See Pls.' Admin. Mot. Re: Sealing Order at 1:28 - 2:1.) Rather, the Protective Order provides that "[a]ny motion, pleading or other submission that contains or attaches Confidential Material shall be filed in accordance with the requirements of Local Rule 79-5" (see Protective Order at 5:3-5); as discussed above, plaintiffs have not complied with said Rule.